

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARGARETT CLARK

CASE NO. 1:06 CV 2829

Plaintiff

-vs-

COMMISSIONER OF SOCIAL
SECURITY

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
PLAINTIFF'S COUNSEL'S MOTION
FOR FEES PURSUANT TO EAJA

Defendant

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Pursuant to this Court's order of referral (Doc. 24), Magistrate Judge James S. Gallas has returned a Report and Recommendation (Doc. 25) on Plaintiff Margarett Clark's motion (Doc. 23) for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(c) & (d). Having reviewed the record in which the Commissioner's decision was reversed and remanded for further proceedings by this Court (Doc. 21), Magistrate Judge Gallas recommends awarding Ms. Clark's attorneys' fees in the amount of \$3901.10 and expenses in the amount of \$48.92 for a total award and judgment under the EAJA in the amount of \$3950.02. (Doc. 25).

The Commissioner of Social Security has notified the Court that it will not file an objection to the Report and Recommendation. (Doc. 26). The Court will assume the parties are satisfied with the Report's conclusions, which the Court also finds

reasonable. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, Ms. Clark's motion for attorneys' fees is granted. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), the Commissioner shall pay Kirk B. Roose and Mary T. Meadows, plaintiff's counsel, \$3,901.10 in fees and \$48.92 in expenses for a total award and judgment under the EAJA in the amount of \$3950.02.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE
12-2-08